

Congress of the United States

Washington, DC 20515

December 5, 2023

The Honorable Julie A. Su
U.S. Department of Labor
200 Constitution Ave NW, S-2521
Washington, D.C. 20210

Dear Acting Secretary Su,

Please regard this letter as a follow up to one sent by Senator Charles Grassley to Director Christopher Godfrey on March 3, 2023, regarding the Office of Workers' Compensation Program (OWCP) and its management of workplace compensation claims for federal employees, including civilian employees of the Department of Defense who work at the Rock Island Arsenal.

The OWCP provider search portal¹ lists only one orthopedic provider in the Quad Cities. However, a representative of the Workers' Compensation Division of the named provider stated, "[a]s of September 2021, [we have] quit seeing Department of Labor patients due to the website situation, not paying the bills, and it's very difficult to get any kind of authorizations from the Department of Labor." (Anonymous, personal communication, September 13, 2023). When asked if the representative was aware their employer is listed as a provider on the OWCP website, they said no. When asked if OWCP had communicated any changes to their website or billing process to the provider, they said no. Each provider is free to choose if they wish to participate in the federal workers' compensation program. It is OWCP's responsibility to ensure the process is efficient and effective so providers will choose to work within the system, and treat the injuries of federal workers – our constituents.

The Quad Cities consists of Rock Island and Moline, in Illinois, as well as Davenport and Bettendorf, in Iowa. The closest provider accepting federal workers' compensation cases is 60 miles away at the University of Iowa. There are multiple orthopedic providers in the Quad Cities who have the resources and skills to treat patients. However, some providers have stated the OWCP process is too cumbersome and they lose money by participating. When providers withdraw from OWCP participation, workers in the Quad Cities suffer.

The inability to get appointments with local providers has forced some federal employees to travel far away to seek treatment. On September 12, 2023, a civilian federal employee of the Rock Island Arsenal was injured in a car accident while driving to a doctor's appointment in Chicago for a work-related injury. If this worker had been able to see a doctor in the Quad Cities, there would be no need for him to drive 150 miles away to see a doctor. People are risking their lives and livelihoods when medical care should be accessible in their own communities.

Employees unable to travel are left to manage their injuries, which can deteriorate without timely treatment. Other employees are left paying medical bills out of their own pocket. Federal employees across the country are facing similar issues to those in the Quad Cities. According to an NBC News report from August 2023, "[i]njured federal employees say their treatable injuries are at risk of progressing into lifelong disabilities because the workers' compensation program...is clogged by low staffing, convoluted processes and an increase in claims."²

¹ United States Department of Labor: Office of Workers' Compensation Programs. (n.d.). *Medical Bill Processing Portal* [Interactive Portal]. Retrieved November 17, 2023. owcpmed.dol.gov/portal/provider/search

On March 10, 2023, Deputy Director of OWCP Megan Hylton responded to Senator Grassley's letter, listing a number of initiatives her office was implementing regarding registration and participation of medical providers, aligning bill processing procedures with industry standards, and streamlining customer service. We appreciate Deputy Director Hylton's response, and our offices request further information regarding the concrete steps OWCP is taking to streamline the process so providers are willing to participate in the federal workers' compensation program.

To assist us in conducting oversight to best serve our constituents, please provide us with answers to the following questions no later than 30 days upon receipt of this letter.

1. Which issues described in this letter does OWCP anticipate addressing related to provider participation and claimant experiences when seeking services? Please provide detailed explanations.
2. In Deputy Director Hylton's letter to Senator Grassley, she mentioned an internal working group to address issues in the near-term. What findings has the working group found in the intervening months? Will you commit your staff to providing our staff a briefing on the working group's findings?
3. How does OWCP plan to encourage orthopedic providers from the Quad Cities to participate in the provider network?
4. Providers incur costs for diagnostic appointments which OWCP does not uniformly reimburse. What steps need to be taken to ensure providers are reimbursed in accordance with existing laws and regulations for the costs and services furnished?
5. We have heard from providers in the Quad Cities area who have found the claimant and reimbursement forms difficult to use. Is there an effort to increase the accessibility of these forms?
6. Does OWCP conduct outreach and education efforts to prospective providers regarding enrollment in the provider network? Are these efforts tailored to underserved areas and specialties?
7. What procedures does OWCP have in place to encourage currently enrolled providers to continue participating in the provider network?
8. When claimants visit the OWCP website to submit an initial claim, the first steps on the website require a claim number from a provider, despite no claim number having been issued by this point in the process. What steps will OWCP take to address this issue?
9. How frequently is the OWCP provider network portal updated to reflect active participants? On which date was the portal most recently updated?
10. Claimants report long wait times when calling OWCP customer service. Does OWCP track customer service wait times? If so, what are the previous five average wait times recorded? What steps is OWCP taking to ensure customer service representatives are answering claimants' calls in a timely fashion?
11. Please provide a list of steps OWCP has taken and will take to streamline the application process, and a timeline within which we can expect them to be implemented.

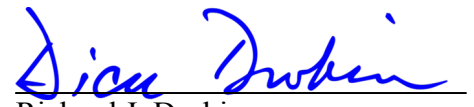
² McCausland, P. (2023, August 6). Delays in federal workers' comp can stall medical care, turning injuries into disabilities. *NBC News*. www.nbcnews.com/news/us-news/delays-federal-workers-comp-can-lead-delayed-medical-care-turning-inju-rcna97536

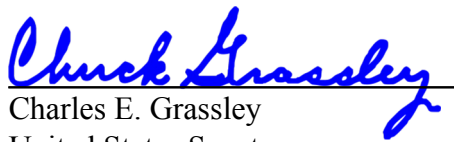
The Quad Cities region is in dire need of orthopedic providers who are willing to work with OWCP. We urge you to take all appropriate steps to ensure our constituents have adequate access to medical care.


Thank you for your attention to this important matter. We look forward to your response.

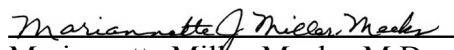
Sincerely,


Eric Sorensen
Member of Congress


Richard J. Durbin
United States Senator


Charles E. Grassley
United States Senator


Tammy Duckworth
United States Senator


Mariannette Miller-Meeks, M.D.
Member of Congress